

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)

ROBERTO CLAROS et al.,

Plaintiffs,

v.

SWEET HOME IMPROVEMENTS, INC.,
et al.,

Defendants

Case No: 1:16-CV-344-AJT-MSN

Hearing Date: August 8, 2016
3:00 p.m.

**Plaintiffs' Reply Brief in Support of Motion
for an Order to Show Cause, and for Sanctions**

Defendants offer two attempts to justify their failure to obey the court's order to produce bank records. Both ring hollow.

First, Defendants state that the bank will not release the records until Defendants have resolved an unrelated dispute with the bank over some unpaid fees. Defendants say that this fee dispute makes getting the records unduly burdensome. However, Defendants have produced no evidence regarding this fee dispute (or any other proof of their efforts to retrieve the records from the bank)—neither to the Court nor to Plaintiffs in discovery. Any related documents, including requests for the records or other correspondence with the bank, would be responsive to Plaintiffs' Requests for Production Nos. 1, 11, 12, 13 14, and 16 (at a minimum). Absent any evidence of this supposed burden, the Court should stand by its order, hold Defendants in contempt, and grant Plaintiffs' request for sanctions.

Second, Defendants argue that Plaintiffs rather than Defendants should bear the burden of obtaining the records. This issue was decided in the motion to compel: the Court ordered Defendants to produce the records. Again, as Defendants have not presented any evidence that

would justify overturning that decision, the Court should stand by its order, hold Defendants in contempt, and grant Plaintiffs' request for sanctions.

Respectfully submitted,

/s/ Nicholas Cooper Marritz

August 4, 2016

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Certificate of Service

I hereby certify that on August 4, 2016, I uploaded the foregoing *Plaintiffs' Reply Brief in Support of Motion for an Order to Show Cause, and for Sanctions* to the Court's CM/ECF system, which will cause a Notice of Electronic Filing to be sent to Defendants' counsel of record:

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